

**HOUSE JOURNAL
60TH LEGISLATURE / SPECIAL SESSION MAY 2007
FIRST LEGISLATIVE DAY**

Helena, Montana
May 10, 2007

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Everett. Pledge of Allegiance to the Flag.

TO: Members of the Montana Senate
 Members of the House of Representatives
 Secretary of State Brad Johnson
 Members of the Montana Supreme Court c/o Clerk of the Court Ed Smith

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
PROCLAMATION**

**CALL TO THE 60TH LEGISLATURE
FOR A SPECIAL SESSION**

WHEREAS, pursuant to Article V, section 6 of the Constitution of the State of Montana and § 5-3-101, MCA, the Governor may convene the legislature in special session; and

WHEREAS, pursuant to Article VI, section 11 of the Constitution of the State of Montana, the Governor may convene the legislature whenever he considers it in the public interest; and

WHEREAS, pursuant to Article VI, section 9 of the Constitution and the laws of the State of Montana, as Governor, I submitted to the 60th Legislature, prior to the commencement of its regular session, a budget for the ensuing biennium setting forth in detail the proposed expenditures and estimated revenue of the State of Montana; and

WHEREAS, the budget I submitted to the 60th Legislature was balanced and sustainable, invested in Montana's priorities - including education, health care, jobs, clean and green energy, and public safety - provided permanent and one-time-only tax cuts for Montanans, ensured that out-of-state taxpayers paid their taxes, and provided savings to be used in the event of a "rainy day" in the future; and

WHEREAS, pursuant to Article V, section 11 of the Constitution of the State of Montana, the power to appropriate money for the operation of state government lies with the legislative branch of government; and

WHEREAS, pursuant to Article VIII, section 9 of the Constitution of the State of Montana, the legislature is responsible for enacting a balanced budget; and

WHEREAS, the budget enacted by the 59th Legislature for the operations of state government will expire at the end of this fiscal year, on June 30, 2007; and

WHEREAS, despite many accomplishments of the 60th Legislature, there remains the necessary and constitutional task of enacting a balanced budget for the biennium beginning July 1, 2007; and

WHEREAS, it is in the public interest that the Legislature immediately convene in special session so as to fulfill its constitutional obligation to enact a balanced budget for the biennium beginning July 1, 2007.

NOW, THEREFORE, I, BRIAN SCHWEITZER, GOVERNOR OF THE STATE OF MONTANA, pursuant to the authority vested in me by the Constitution and laws of the State of Montana, do hereby convene the 60th

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Legislature in special session, in Helena, at the Capitol, at the hour of 8:00 a.m., the 10th day of May, 2007, and hereby limit the special session to consideration of the following subjects:

1. A general appropriation bill for the ordinary expenses of the legislative, executive, and judicial branches of government and for public schools for the biennium ending June 30,2009; and
2. A bill appropriating money for capital projects and information technology capital projects, including measures necessary to implement the appropriation; and
3. Legislation that provides funding for public elementary and secondary schools, authorizes optional full-time kindergarten, establishes a quality educator loan forgiveness program, and revises the Governor's postsecondary scholarship program; and
4. Tax legislation that provides both permanent and one-time-only tax reductions and rebates for Montanans, improves tax compliance, and expands the business equipment property tax exemption; and
5. Property tax incentives for new investment in the conversion, transport, manufacturing related to, and research and development of renewable energy, new technology energy, and clean coal energy; and
6. Creation of an education trust fund to be funded through revenue raised by revisions to the tax treatment of income and dividends of real estate investment trusts; and
7. Any appropriations necessary for the operation of the special legislative session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Montana to be affixed. DONE at the City of Helena, the Capitol, this 7th day of May, in the year of our Lord, two thousand and seven.

Brian Schweitzer
GOVERNOR

Chief Clerk Marilyn Miller called the roll of the members of the House of Representatives of the 60th Legislature.

District #1, Ralph Heinert
District #2, Chas Vincent
District #3, Douglas E. Cordier
District #4, Mike Jopek
District #5, George Everett
District #6, Bill Beck
District #7, Jon Sonju
District #8, Craig Witte
District #9, Bill Jones
District #10, Mark W. Blasdel
District #11, Janna Taylor
District #12, Rick Jore
District #13, Pat Ingraham
District #14, Gordon R. Hendrick
District #15, Joey Jayne
District #16, Shannon J. Augare
District #17, Rick Ripley

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District #18, Jesse O'Hara
District #19, Mike Milburn
District #20, Deborah J. Kottel
District #21, Tim Callahan
District #22, Bill Wilson
District #23, John W. Parker
District #24, Eve Franklin
District #25, Sue Dickenson
District #26, Bill Thomas
District #27, Llew Jones
District #28, Edith J. Clark
District #29, Edward B. Butcher
District #30, Dave Kasten
District #31, Margaret H. Campbell
District #32, Jonathan Windy Boy
District #33, Bob Bergren
District #34, John L. Musgrove
District #35, Wayne C. Stahl
District #36, Julie E. French
District #37, Walter L. McNutt
District #38, Edward A. Hilbert
District #39, Carol Lambert
District #40, Bill McChesney
District #41, Norma Bixby
District #42, Veronica Small-Eastman
District #43, Duane Ankney
District #44, William E. Glaser
District #45, Alan Olson
District #46, Ken Peterson
District #47, Dennis Himmelberger
District #48, Wanda Grinde
District #49, Kendall Van Dyk
District #50, Tom McGillvray
District #51, Robyn Driscoll
District #52, Arlene Becker
District #53, Elsie Arntzen
District #54, Gary Branae
District #55, Michael Lange
District #56, Ernie Dutton
District #57, Penny Morgan
District #58, Krayton D. Kerns
District #59, Scott L. Boggio
District #60, Jack Ross
District #61, Bruce Malcolm
District #62, Bob Ebinger
District #63, Jennifer Pomnichowski
District #64, Franke Wilmer
District #65, Brady Wiseman
District #66, Mike Phillips
District #67, John Sinrud
District #68, Scott Sales

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District #69, Jack Wells
District #70, Roger Koopman
District #71, Diane Rice
District #72, Debby Barrett
District #73, Art Noonan
District #74, George C. Groesbeck
District #75, Jim Keane
District #76, Jon C. Sesso
District #77, Scott Mendenhall
District #78, Jill Cohenour
District #79, Dave Gallik
District #80, Mary M. Caferro
District #81, Galen Hollenbaugh
District #82, Hal Jacobson
District #83, Harry W. Klock
District #84, John Ward
District #85, Cindy Hiner
District #86, Dan Villa
District #87, Ron Stoker
District #88, Bob Lake
District #89, Gary MacLaren
District #90, Ray Hawk
District #91, Timothy Furey
District #92, Robin Hamilton
District #93, Ron Erickson
District #94, Dave McAlpin
District #95, Diane Sands
District #96, Teresa K. Henry
District #97, Michele Reinhart
District #98, Holly Raser
District #99, Betsy Hands
District #100, Bill Nooney

All members present. Quorum present.

Majority Leader Lange announced the Republicans would caucus.

REPORTS OF STANDING COMMITTEES

BILLS (L. Jones, Chairman):

5/10/2007

Delivered to the Secretary of State at 1:35 p.m., May 9, 2007: **HJR 31, HJR 46, HJR 61.**

APPROPRIATIONS (Sinrud, Chairman):

5/10/2007

HB 1, do pass. Report adopted.

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 1, introduced by Sinrud, referred to Appropriations.

HB 2, introduced by Clark, referred to Appropriations.

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HB 3, introduced by L. Jones, referred to Taxation.

HB 4, introduced by Callahan, referred to Appropriations.

HB 5, introduced by Lange, referred to Appropriations.

ANNOUNCEMENTS

Committee meetings were announced.

Majority Leader Lange moved the House stand in recess until 10:00 a.m. There being no objections, so ordered. House reconvened at 10:10 a.m. Speaker in the chair. Quorum present.

Speaker Sales introduced the House Pages serving during the Special Session:

Tiffani Kennedy, Townsend
Jen Nanini, Cut Bank
Gwendolyn Coon, Helena
Pamela Garman, Townsend

MESSAGES FROM THE GOVERNOR

TO: Members of the Montana Senate
Members of the House of Representatives
Secretary of State Brad Johnson
Members of the Montana Supreme Court c/o Clerk of the Court Ed Smith

STATE OF MONTANA
OFFICE OF THE GOVERNOR
PROCLAMATION

CALL TO THE 60TH LEGISLATURE
TO EXPAND THE SPECIAL SESSION FOR A LIMITED PURPOSE

WHEREAS, pursuant to Article V, section 6 and Article VI, section 11 of the Constitution of the State of Montana and § 5-3-101, MCA, on May 7, 2007, as Governor, I issued a call to the 60th Legislature to convene in special session and limited the session to the subjects enumerated in the call; and

WHEREAS, pursuant to the call, the special session convened today; and

WHEREAS, I have received a written request, a copy of which is attached to this Proclamation, signed by the President, Majority Leader, and Minority Leader of the Senate and the Speaker, Majority Leader, and Minority Leader of the House of Representatives, to expand the special session of the Legislature to consider one additional subject, namely, "a bill that would reflect the contents of Senate Bill 98 as amended by the Senate in the 60th Regular Session," which bill provided statutory changes making provision for appointments and assignments of legislators that takes into account the existence of more than two political parties; and

WHEREAS, it is in the public interest that the 60th Legislature be expanded as requested by the legislative leaders.

NOW, THEREFORE, I, BRIAN SCHWEITZER, GOVERNOR OF THE STATE OF MONTANA, pursuant to the authority vested in me by the Constitution and laws of the State of Montana, do hereby expand the special session of the 60th Legislature, to consider the following single subject:

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1. A bill that would reflect the contents of Senate Bill 98 as amended by the Senate in the 60th regular session.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Montana to be affixed. DONE at the City of Helena, the Capitol, this 10th day of May, in the year of our Lord, two thousand and seven.

BRIAN SCHWEITZER
Governor

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Lange moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Speaker Sales in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 1 - Representative Sinrud moved **HB 1** do pass. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Boggio, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ross, Sands, Sesso, Small-Eastman, Stoker, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 82

Noes: Blasdel, Butcher, Dutton, Heinert, Jore, Kasten, Kerns, Koopman, McGillvray, Mendenhall, Ripley, Sinrud, Sonju, Stahl, Taylor, Vincent, Wells, Witte.

Total 18

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Lange moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Speaker Sales moved the Committee of the Whole report be adopted. Without any objections, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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HB 1 passed as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Branae, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, L. Jones, W. Jones, Jopek, Keane, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Phillips, Raser, Reinhart, Rice, Ross, Sands, Sesso, Small-Eastman, Sonju, Stoker, Thomas, Van Dyk, Villa, Ward, Wilmer, Wilson, Windy Boy, Wiseman, Mr. Speaker.

Total 79

Noes: Blasdel, Boggio, Butcher, Dutton, Heinert, Jayne, Jore, Kasten, Kerns, Koopman, McGillvray, Mendenhall, Peterson, Pomnichowski, Ripley, Sinrud, Stahl, Taylor, Vincent, Wells, Witte.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Lange moved to adopt the Temporary House Rules for the Special Session. Motion carried as follows:

Ayes: Ankney, Arntzen, Augare, Barrett, Beck, Becker, Bergren, Bixby, Blasdel, Boggio, Branae, Butcher, Caferro, Callahan, Campbell, Clark, Cohenour, Cordier, Dickenson, Driscoll, Dutton, Ebinger, Erickson, Everett, Franklin, French, Furey, Gallik, Glaser, Grinde, Groesbeck, Hamilton, Hands, Hawk, Heinert, Hendrick, Henry, Hilbert, Himmelberger, Hiner, Hollenbaugh, Ingraham, Jacobson, Jayne, L. Jones, W. Jones, Jopek, Keane, Kerns, Klock, Kottel, Lake, Lambert, Lange, MacLaren, Malcolm, McAlpin, McChesney, McGillvray, McNutt, Milburn, Morgan, Musgrove, Noonan, Nooney, O'Hara, Olson, Parker, Peterson, Phillips, Pomnichowski, Raser, Reinhart, Rice, Ripley, Ross, Sands, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Thomas, Van Dyk, Villa, Vincent, Ward, Wells, Wilmer, Wilson, Windy Boy, Wiseman, Witte, Mr. Speaker.

Total 94

Noes: Jore, Koopman, Mendenhall, Sinrud, Taylor.

Total 5

Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

Majority Leader Lange moved to adopt the Joint Rules as passed by the Senate. There being no objections, so ordered.

ANNOUNCEMENTS

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Committee meetings were announced.

Majority Leader Lange moved the House stand at recess until 1:00 p.m. There being no objections, so ordered.

House reconvened at 1:00 p.m. Speaker in the chair. Quorum present.

Majority Leader Lange moved the House stand at recess until 5:00 p.m. There being no objections, so ordered.

House reconvened at 5:00 p.m. Speaker in the chair. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 6, introduced by Himmelberger, referred to State Administration.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Lange moved that the House adjourn until 8:00 a.m., Friday, May 11, 2007. Motion carried.

House adjourned at 5:05 p.m.

MARILYN MILLER
Chief Clerk of the House

SCOTT SALES
Speaker of the House